

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 20 C 50465
	)	
JOHN DOE,	)	Formerly Case No. "N/A"
	)	Circuit Court of Winnebago County,
Defendant.	)	Illinois
	)	

**NOTICE OF REMOVAL OF A CIVIL ACTION**

To:

Thomas A. Klein  
Clerk of the Circuit Court for the  
Seventeenth Judicial Circuit  
Winnebago County Courthouse  
400 West State Street  
Rockford, Illinois 61101

Winnebago County State's Attorney's Office  
Attention: Attorney Jim Brun  
Winnebago County Courthouse  
400 West State Street, Suite 619  
Rockford, Illinois 61101

The United States of America, by its attorney, John R. Lausch, Jr., United States Attorney for the Northern District of Illinois, submits this notice of removal of the above-captioned civil action from the Circuit Court for the Seventeenth Judicial Circuit, Winnebago County, Illinois, to the United States District Court, Northern District of Illinois, pursuant to 28 U.S.C. § 1442(a), and in support states the following:

1. On October 29, 2020, the Social Security Administration was served with a state court grand jury subpoena signed by Thomas A. Klein, Clerk of the Circuit Court for the Seventeenth Judicial Circuit, and a state court order signed by Seventeenth Judicial Circuit Judge Brendan A. Maher in *People of the State of Illinois v. John Doe*, Case No. "N/A." A redacted

copy of the grand jury subpoena and order are attached as Exhibit A.<sup>1</sup>

2. The grand jury subpoena and order direct the Social Security Administration to produce “all account information” concerning an individual, including the account holder name, home address, phone number associated with the account, current bank account, and account transactions.

3. Counsel for the Social Security Administration confirmed with the Winnebago County State’s Attorney’s Office that the matter does not involve benefits fraud, but instead relates to a missing person investigation.

4. There is no basis in the law that allows the Social Security Administration to comply with the grand jury subpoena and order under the present circumstances. *E.g.*, 42 U.S.C. § 1306(a) (the Social Security Act); 5 U.S.C. § 552a (the Privacy Act); 20 C.F.R. 401.155 (law enforcement purposes). Moreover, the Social Security Administration is not authorized to comply with a state court order or subpoena. *E.g.*, 20 C.F.R. § 401.180(c)(2) (valid court order must be signed by a federal judge or magistrate judge); *id.* at (d) (state court orders will not be honored because sovereign immunity precludes state-court jurisdiction over a federal agency).

5. A civil action against a federal agency that is commenced in a state court may be removed to the district court of the United States for the district and division embracing the place where it is pending. 28 U.S.C. § 1442(a)(1). “Civil action” encompasses any judicial proceeding including the issuance of a subpoena for documents. 28 U.S.C. § 1442(d)(1).

6. Neither the state court nor the clerk of the court have jurisdiction to issue or compel

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<sup>1</sup> A motion to file an unredacted version of Exhibit A under seal is filed separately.

compliance with the grand jury subpoena and order included within Exhibit A.

WHEREFORE, this action now pending in the Circuit Court for the Seventeenth Judicial Circuit, Winnebago County, Illinois, is properly removed to this court pursuant to 28 U.S.C. § 1442(a).

Respectfully submitted,

JOHN R. LAUSCH, Jr.  
United States Attorney

By: s/ Jana L. Brady  
\_\_\_\_\_  
JANA L. BRADY  
Assistant United States Attorney  
327 South Church Street, Suite 3300  
Rockford, Illinois 61101  
(815) 987-4444  
jana.brady@usdoj.gov



**MARILYN HITE ROSS**  
WINNEBAGO COUNTY STATE'S ATTORNEY

October 20, 2020

Social Security Administration  
General Council  
Duty Attorney  
200 West Adams  
Chicago, IL 60606  
Fax: [REDACTED]

Dear Sir or Madam:

Enclosed is a Grand Jury Subpoena Duces Tecum. Please include a copy of the Subpoena Duces Tecum and send the requested information to the attention of:

Winnebago Co. State's Attorneys Office  
Attention: Becky King  
Suite 619 Courthouse Building  
400 West State Street  
Rockford, IL 61101

If you have any questions concerning this matter, please contact me at [REDACTED]. Please fax or email this information as soon as possible. My fax number is [REDACTED] and my email is [REDACTED]. Thank you for your cooperation in this matter.

Sincerely,

  
Becky King  
Legal Assistant

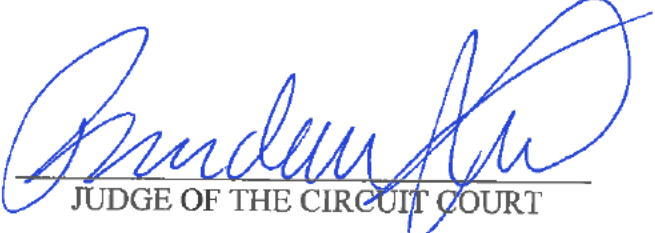
**STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 17<sup>TH</sup> JUDICIAL CIRCUIT  
COUNTY OF WINNEBAGO**

PEOPLE OF THE STATE OF ILLINOIS	)	
	)	
Plaintiff,	)	No. N/A
	)	
VS.	)	
	)	
John Doe	)	
Defendant,	)	

**COURT ORDER**

It is hereby ordered, that Social Security Administration, General Council  
Duty Attorney, 200 West Adams, Chicago, IL 60606, Fax: (312) 353-0347, tender to the  
Grand Jury all account information for [REDACTED]  
[REDACTED] Social Security account including account holder name, home address, phone  
number associated with the account, current bank account and transactions from 07/2020  
to 10/20/2020.

These records are returnable to the Grand Jury on October 28<sup>th</sup>, 2020.

  
\_\_\_\_\_  
JUDGE OF THE CIRCUIT COURT

DATED: 10/21/20

Boone

STATE OF ILLINOIS )

COUNTY OF WINNEBAGO )

SS

CASE NAME: John Doe

CASE NUMBER: N/A

GRAND JURY  
SUBPOENA DUCES TECUM  
(Subpoena for records or documents)

TO: Social Security Administration  
General Council  
Duty Attorney  
200 West Adams  
Chicago, IL 60606  
Fax: [REDACTED]

YOU ARE HEREBY DIRECTED to produce at the designated time and place the following documents:

Please provide all account information for [REDACTED]  
[REDACTED] Social Security account including account holder name, home address, phone number associated with the account, current bank account and transactions from 07/2020 to 10/19/2020.

Said documents must be produced to be considered as evidence in certain criminal matters now pending before the Winnebago County Grand Jury, on behalf of THE PEOPLE OF THE STATE OF ILLINOIS, on October 28<sup>th</sup>, 2020, at 9:00 a.m. in the 8<sup>th</sup> Floor Grand Jury Room of the Winnebago County Courthouse, Rockford, Illinois.

IMPORTANT NOTICE

Your personal appearance is NOT required if said records are turned over in a sealed package to the Winnebago County State's Attorney's Office, Attention Legal Assistant Becky King, 400 W. State Street, Suite 619, Rockford, Illinois, 61101, before the above-mentioned date.

You are not to disclose the existence of this request for a period of 90 days from the date of this request. Any such disclosure could impede the investigation being conducted and thereby interfere with the enforcement of law.

WITNESSED this 20th day of October, 2020.

Thomas A. Klein



TO THE LAW ENFORCEMENT OFFICIAL ENTRUSTED WITH THIS SUBPOENA:  
You are commanded to serve this subpoena in accordance with law of the State of Illinois, and to return this writ with endorsement as to the manner in which it was executed by you.

STATE OF ILLINOIS            )  
  )  SS  
COUNTY OF WINNEBAGO    )

Executed this writ this \_\_\_\_\_ day of \_\_\_\_\_, 2020 by reading it to  
the within named witness and leaving a copy of said writ with the witness.

\_\_\_\_\_  
(Law Enforcement Official)